

FILED

JUN 17 2005

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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17 UNITED STATES DISTRICT COURT
18 NORTHERN DISTRICT OF CALIFORNIA
19 SAN FRANCISCO DIVISION

20 UNITED STATES OF AMERICA,) CR No.: 05-00301-MAG
21 Plaintiff,) STIPULATION AND ~~PROPOSED~~
22 v.) ORDER EXCLUDING TIME
23 ARIANNA ARIAS,)
24 Defendant.)

25 On June 9, 2005, the parties in this case appeared before the Court for a status hearing. At
26 that time, the parties stipulated that time should be excluded from the Speedy Trial Act
27 calculations from June 9, 2005 to June 27, 2005 for continuity of counsel and for effective
28 preparation of defense counsel. The parties represented that granting the continuance was the
reasonable time necessary for continuity of defense counsel and effective preparation of defense
counsel, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv).

Stipulation and [Proposed] Order
[CR 05-00301 MAG]

1 The parties also agreed that the ends of justice served by granting such a continuance outweighed
2 the best interests of the public and the defendant in a speedy trial. See 18 U.S.C. §
3 3161(h)(8)(A).

4 SO STIPULATED:

5 KEVIN V. RYAN
6 United States Attorney

7 DATED: 6/9/05

8 /S/ Denee DiLuigi
DENEE A. DILUIGI
9 Special Assistant United States Attorney

10 DATED: 6/13/05

11 /S/ Elizabeth Falk
12 ELIZABETH FALK
13 Attorney for Ms. Arias

14 As the Court found on June 9, 2005, and for the reasons stated above, the Court finds that an
15 exclusion of time between June 9, 2005 and June 27, 2005 is warranted and that the ends of
16 justice served by the continuance outweigh the best interests of the public and the defendant in a
17 speedy trial. See 18 U.S.C. §3161 (h)(8)(A). The failure to grant the requested continuance
18 would deny Ms. Arias continuity of counsel and would deny defense counsel the reasonable time
necessary for effective preparation, taking into account the exercise of due diligence, and would
result in a miscarriage of justice. See 18 U.S.C. §3161(h)(8)(B)(iv).

19
20 SO ORDERED.

21
22 DATED: 6-17-05

23
24 MARIA ELENA JAMES
United States Magistrate Judge